

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON BURNETTE,

Plaintiff,

v.

THE CITY OF NORTON, *et al.*

Defendants.

CASE NO.

JUDGE

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT

Pursuant to 28 U.S.C. § 1441 and § 1446, Defendants The City of Norton, Detective Kevin Starling, Detective Ryan Connell, Police Chief John Daleassandro, Captain Larry Lane, and Mayor Michael Zita, hereby provide notice of the removal of the above-captioned civil action from the Court of Common Pleas for Summit County, Ohio, Case No. CV-2022-11-3969, to the United States District Court for the Northern District of Ohio. In support of this Notice of Removal, Defendants hereby state as follows:

1. This civil action was originally filed on November 21, 2022, by Plaintiff Aaron Burnette (“Burnette”) in the Summit County Court of Common Pleas, Case No. CV-22-11-3969. As provided by the state court docket, service of process was accomplished upon all of Defendants named in the Complaint on December 2, 2022.

2. This notice of removal was timely filed under 28 U.S.C. § 1446(b) as it was filed within 30 days of service of the Complaint and Summons upon all Defendants on December 2, 2022. Moreover, as required by 28 U.S.C. § 1446(b)(2), all of the Defendants, including

Defendant Scott Salsbury, have joined in and consent to the removal of this civil action to federal court.

3. This Court has subject matter jurisdiction over this action under Title 28, United States Code, §§ 1331, 1343, and 1367, because the first five causes of action alleged in the Complaint are based upon alleged violations of the Fourth and Fourteenth Amendment of the United States Constitution and/or alleges claims for damages under 42 U.S.C. § 1983. (*See* Complaint, ¶ 78, ¶ 83, ¶ 85-95, and ¶ 99).

4. As provided by 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal shall be filed with the Summit County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d), and written notice of this Notice of Removal shall be provided to Plaintiff's counsel and all other parties.

5. Moreover, a true and correct copy of the Complaint, along with a copy of all other pleadings, motions, service of process, and other documents filed in the Common Pleas Court action are being filed with this Court as attachments to this Notice of Removal, as required by 28 U.S.C. § 1446(a).

Respectfully submitted

/s/ Stephen W. Funk

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Notice of Removal* was sent via both regular U.S. mail and via electronic mail on this 31st day of December, 2022, to:

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<<HCP #1264049-v1>>